

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WEI QUAN WU and DA BIAO WU,

Defendants.

CASE NO. CR20-0173-JCC

ORDER

This matter comes before the Court on Defendant Da Biao Wu' motion to appoint Russell Aoki as coordinating discovery counsel (Dkt. No. 37). Discovery in this matter is anticipated to be voluminous. It will include thousands of pages of documents, numerous photos and surveillance videos, and other evidence. (*Id.* at 2.) To date, the Government has produced over 34,000 pages. Mr. Aoki has been appointed as a Coordinating Discovery Attorney in over 100 federal cases and he has extensive experience strategizing how best to organize discovery while maintaining evidentiary integrity. (*Id.* at 2–3.) Having thoroughly considered the motion and the relevant record, the Court GRANTS the motion.

It is hereby ORDERED that Russell M. Aoki of Aoki Law, PLLC is appointed as Coordinating Discovery Attorney for Court-appointed Defense Counsel. Mr. Aoki shall oversee any discovery issues common to all defendants. His responsibilities will include:

- 1 • Managing and, unless otherwise agreed upon with the Government, distributing
2 discovery produced by the Government and relevant third-party information common
to all defendants;
- 3 • Assessing the amount and type of case data to determine what types of technology
4 should be evaluated and used so duplicative costs are avoided and the most efficient
and cost-effective methods are identified;
- 5 • Acting as a liaison with federal prosecutors to ensure the timely and effective
6 exchange of discovery;
- 7 • Identifying, evaluating, and engaging third-party vendors and other litigation support
8 services;
- 9 • Assessing the needs of individual parties and further identifying any additional
10 vendor support that may be required—including copying, scanning, forensic imaging,
data processing, data hosting, trial presentation, and other technology depending on
11 the nature of the case;
- 12 • Identifying any additional human resources that may be needed by the individual
13 parties for the organization and substantive review of information; and
- 14 • Providing training and support services to the defense teams as a group and
individually.

15 When executing these responsibilities, the Coordinating Discovery Attorney shall assess
16 the most effective and cost-efficient manner to organize the discovery with input from defense
17 counsel.
18

19 The Coordinating Discovery Attorney's duties do not include providing representation
20 services, and therefore he will not be establishing an attorney-client relationship with any of the
21 defendants. Discovery intended for counsel of a specific defendant and not to be shared among
22 all defense counsel shall be produced by the Government directly to defense counsel for that
23 defendant. For discovery common to all defendants, discovery issues specific to any defendant
24 shall be addressed by defense counsel directly with the Government and not through the
25 Coordinating Discovery Attorney.
26

1 For any common discovery already produced by the Government prior to this Order, the
2 Government shall provide a copy to the Coordinating Discovery Attorney within 14 days. Any
3 additional discovery not already produced shall be provided directly to the Coordinating
4 Discovery Attorney, who shall duplicate and distribute the discovery to all defense counsel,
5 unless the Government elects to produce discovery directly to defense counsel with a
6 simultaneous copy to the Coordinating Discovery Attorney. The Government shall work with the
7 Coordinating Discovery Attorney to provide discovery in a timely manner.
8

9 The Coordinating Discovery Attorney shall petition this Court, *ex parte*, for funds for
10 outside services and shall monitor all vendor invoices for these services including confirming the
11 work previously agreed to be performed. However, the Court acknowledges his time and the
12 time spent by his staff will be paid by the Administrative Office of the U.S. Courts, Defender
13 Services Office. All petitions for outside services shall include a basis for the requested funds
14 and a determination that the costs of the services are reasonable.
15

16 The Coordinating Discovery Attorney shall also provide this Court with monthly *ex parte*
17 status reports depicting the status of work and whether that work remains within the budget of
18 any funds authorized by the Court, with a copy provided to defense counsel.
19

20 DATED this 29th day of December 2020.

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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